

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

LUIS DEJESUS,

Plaintiff,

V.

C.O. CAREY, et al.,

Defendants.

CIVIL ACTION NO. 3:15-CV-2504

(Judge Kosik)

ORDER

AND NOW, this 27th day of January, 2016, IT APPEARING TO THE COURT
THAT:

(1) Plaintiff, Luis DeJesus, an inmate confined at the State Correctional Institution-Camp Hill, Pennsylvania, filed a Complaint in the instant civil rights action on December 29, 2015;

(2) The matter was referred to Magistrate Judge Martin C. Carlson;

(3) After screening the Complaint, the Magistrate Judge issued a Report and Recommendation (Doc. 6) on January 6, 2016, recommending that the Complaint be dismissed without prejudice to Plaintiff endeavoring to correct the defects cited in the Report;

(4) Specifically, the Magistrate Judge found that the Complaint failed to meet the pleading standards with respect to Defendant Carey, because it does not allege when the events occurred, that the Complaint failed to state a claim of supervisory liability as to the four supervisory defendants, and that the demand for a specified sum of damages should be stricken;

(5) The Magistrate Judge recommended that the Complaint be dismissed without prejudice to Plaintiff endeavoring to correct the defects cited in the Report within twenty (20) days of any dismissal Order;

(6) No Objections have been filed to the Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(7) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(8) We have reviewed the Report of the Magistrate Judge and agree with his recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Martin C. Carlson (Doc. 6) filed on January 6, 2016, is **ADOPTED**;

(2) The Complaint is **DISMISSED without prejudice**;

(3) Plaintiff is allowed twenty (20) days from the date of this Order in which to file an Amended Complaint to correct the defects cited in the Magistrate Judge's Report; and,

(4) The above-captioned action is **REMANDED** to the Magistrate Judge for further proceedings.

s/Edwin M. Kosik
Edwin M. Kosik
United States District Judge